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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 -----x
4 UNITED STATES OF AMERICA

v.

19 CR 267 (GJK)
Conference

5 LEONARDO FERNANDEZ

6 Defendant
7 -----x

8 New York, N.Y.
9 December 23, 2019
10 11:30 a.m.

Before:

HON. JOHN G. KOELTL
12 District Judge

13 APPEARANCES

14 GEOFFREY S. BERMAN
15 United States Attorney for the
Southern District of New York
16 ALEXANDRA ROTHMAN
Assistant United States Attorney

17 DEL VALLE & ASSOCIATES
18 Attorney for Defendant
TELESFORO DEL VALLE, JR

19 ALSO PRESENT: MICHAEL KELLY, NYPD (Detective)

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1 (Case called)

2 DEPUTY CLERK: Will all parties please state who they
3 are for the record.

4 MS. ROTHMAN: Good morning, your Honor. Alexandra
5 Rothman for the United States. I'm joined by Detective Michael
6 Kelly from the New York City Police Department.

7 THE COURT: Good morning.

8 MR. DEL VALLE: Good morning, your Honor.

9 Ted Del Valle representing Mr. Fernandez who is
10 sitting to my left.

11 THE COURT: All right. Good morning.

12 Where are we, please?

13 MR. DEL VALLE: Your Honor, this matter was originally
14 on for a plea by Mr. Fernandez. Mr. Fernandez is respectfully
15 requesting a little bit more time. He apparently has spoken
16 with his father. His father is a little bit distressed. His
17 father could not be here today, and I felt that in order for my
18 client's mind to be clear in the timing of taking his plea,
19 that it's best that he does speak with his father one more
20 time, and, most respectfully, we're requesting to do this plea
21 on January 7.

22 THE COURT: January what?

23 MR. DEL VALLE: 7.

24 THE COURT: January 7?

25 MR. DEL VALLE: Yes, your Honor.

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1 DEPUTY CLERK: 11:00.

2 MR. DEL VALLE: Your Honor, of course we are agreeing
3 to the waiver of speedy trial clock for that purpose.

4 THE COURT: The Court has to make an independent
5 finding on that.

6 Government's position?

7 MS. ROTHMAN: Your Honor, no objection to the brief
8 adjournment, and we'd also request an exclusion of time under
9 the Speedy Trial Act. That time will allow the defendant to
10 consider whether or not he in fact wants to plead guilty.

11 THE COURT: Sure. Sure. Whether there is a plea
12 disposition is completely up to the defendant advised by
13 counsel. The Court doesn't get involved in that at all. I
14 give the parties the opportunity to discuss a disposition short
15 of trial, but if the defendant for any reason at all wishes to
16 go to trial, that's the defendant's complete right. So, of
17 course I will give the parties time so that the defendant can
18 consider all of his options. At the next conference, if
19 there's a plea, that's completely up to the defendant advised
20 by counsel. If not, then I should go forward with the motion
21 schedule and setting a trial date.

22 So I will set another conference for January 7, 2020
23 at 11:00 a.m. I will exclude prospectively the time from today
24 until January 7, 2020 from Speedy Trial Act calculations. The
25 continuance is designed to assure effective assistance of

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1 counsel. It's designed to allow the parties to discuss a
2 disposition short of trial. The Court finds that the ends of
3 justice served by ordering the continuance outweigh the best
4 interests of the defendant and the public in a speedy trial.
5 This order of exclusion is made pursuant to 18 U.S.C., Section
6 3161(h)(7)(A).

7 OK. Anything further?

8 MS. ROTHMAN: No, your Honor. Thank you.

9 MR. DEL VALLE: Nothing further from the defendant.

10 Thank you, your Honor. Happy holidays.

11 THE COURT: Happy holidays to all of you.

12 OK. Good morning all.

13 (Adjourned)

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